

#3647

AN ORDINANCE ADOPTING THE ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2012 AND ENDING ON JUNE 30, 2013

Sponsors:

Council
President
Griffiths

Council
Member
Freel

WHEREAS, the Mayor on March 15, 2012, having submitted to the Council, his message, as prescribed in Wilm. C. (Charter) §4-101 for Fiscal Year 2012, the Council deems it necessary and proper to adopt the Annual Operating Budget Ordinance for Fiscal Year 2013, as set forth herein, pursuant to Wilm. C. (Charter) §2-300.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. The following financial program is hereby adopted for Fiscal Year 2013, and appropriations are hereby made from the various operating and special funds to the Council, the Mayor, and all offices, departments, boards, and commissions, as indicated in the following sections.

SECTION 2. Appropriations in the sum of \$155,463,031 are hereby made from a general fund, as follows:

TO THE MAYOR:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$3,363,094	\$61,236	\$3,424,330
Materials, Supplies, and Equipment	2,166,390	0	2,166,390
Special Purpose	91,600	0	91,600
Debt Service	1,486,142	0	1,486,142
Total	\$7,107,226	\$61,236	\$7,168,462

TO THE MAYOR FOR THE WILMINGTON ARTS COMMISSION:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Special Purpose	\$0	\$0	\$0
Total	\$0	\$0	\$0

**TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET -
CONTINGENCIES:**

	<u>City</u>	<u>Special</u>	<u>Total</u>
Contingent Reserves	\$400,000	\$0	\$400,000
Total	\$400,000	\$0	\$400,000

The Director of the Office of Management and Budget is authorized to transfer to each office, department, board, or commission such portions of the foregoing sum that will be sufficient to pay for unanticipated budgetary expenses and for Step increases for all eligible employees across all funds.

**TO THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET -
SNOW AND WEATHER EMERGENCIES:**

	<u>City</u>	<u>Special</u>	<u>Total</u>
Snow and Weather Emergencies	\$125,000	\$0	\$125,000
Total	\$125,000	\$0	\$125,000

The Director of the Office of Management and Budget is authorized to transfer to each office, department, board, or commission such portions of the foregoing sum that, taken with amounts otherwise available to each such office, department, board, or commission, will be sufficient to pay for the contractual cost, overtime cost, materials, supplies, and equipment cost of emergency snow removal and weather emergencies.

TO THE PLANNING DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$1,031,628	\$36,053	\$1,067,681
Materials, Supplies, and Equipment	381,588	0	381,588
Special Purpose	0	0	0
Debt Service	162,196	0	162,196
Total	\$1,575,412	\$36,053	\$1,611,465

TO THE CITY COUNCIL:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$1,879,999	\$0	\$1,879,999
Materials, Supplies, and Equipment	499,642	0	499,642
Special Purpose	11,500	0	11,500
Debt Service	18,572	0	18,572
Total	\$2,409,713	\$0	\$2,409,713

TO THE CITY COUNCIL FOR THE WILMINGTON INSTITUTE FREE LIBRARY:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Special Purpose	\$60,000	\$0	\$60,000
Total	\$60,000	\$0	\$60,000

TO THE CITY TREASURER:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$283,424	\$325,599	\$609,023
Materials, Supplies, and Equipment	129,929	3,123,942	3,253,871
Total	\$413,353	\$3,449,541	\$3,862,894

TO THE AUDITING DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$428,677	\$0	\$428,677
Materials, Supplies, and Equipment	284,872	0	284,872
Total	\$713,549	\$0	\$713,549

TO THE LAW DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$2,268,913	\$0	\$2,268,913
Materials, Supplies, and Equipment	624,091	0	\$624,091
Total	\$2,893,004	\$0	\$2,893,004

TO THE FINANCE DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$5,217,655	\$0	\$5,217,655
Materials, Supplies, and Equipment	4,959,778	0	\$4,959,778
Program and Activities	0	0	\$0
Debt Service	5,647	0	\$5,647
Total	\$10,183,080	\$0	\$10,183,080

TO THE DIRECTOR OF FINANCE - BUDGET RESERVE ACCOUNT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Debt Service	\$0	\$0	\$0
Total	\$0	\$0	\$0

The Director of Finance is authorized to transfer the above amount into the Budget Reserve Account as the FY 2012 contribution, in conformance with Wilm. C. Ch. 2, Art. V, Div. 2. No transfer from this account to any annual operating budget accounts of any office, department, board, or commission shall be made except upon approval of an ordinance passed by a two-thirds majority vote of the President and all members of Council.

TO THE DEPARTMENT OF COMMERCE

	<u>City</u>	<u>Special</u>	<u>Total</u>
Debt Service	\$1,263,590	\$0	\$1,263,590
Total	\$1,263,590	\$0	\$1,263,590

TO THE HUMAN RESOURCES DEPARTMENT

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$1,391,429	\$0	\$1,391,429
Materials, Supplies, and Equipment	626,847	0	626,847
Debt Service	19,640	0	19,640
Total	\$2,037,916	\$0	\$2,037,916

TO THE DEPARTMENT OF LICENSES AND INSPECTIONS:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$3,228,675	\$0	\$3,228,675
Materials, Supplies, and Equipment	1,045,112	0	1,045,112
Debt Service	2,249	0	2,249
Programs and Activities	0	0	0
Total	\$4,276,036	\$0	\$4,276,036

TO THE DEPARTMENT OF LICENSES & INSPECTIONS FOR DELAWARE S.P.C.A.:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Special Purpose	\$251,970	\$0	\$251,970
Total	\$251,970	\$0	\$251,970

TO THE DEPARTMENT OF PARKS AND RECREATION:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$4,137,376	\$541,694	\$4,679,070
Materials, Supplies, and Equipment	2,308,048	694,498	3,002,546
Debt Service	1,656,284	0	1,656,284
Programs and Activities	0	0	0
Total	\$8,101,708	\$1,236,192	\$9,337,900

TO THE FIRE DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$19,255,656	\$841,158	\$20,096,814
Materials, Supplies, and Equipment	3,435,216	191,784	3,627,000
Debt Service	454,816	0	454,816
Programs and Activities	0	0	0
Total	\$23,145,688	\$1,032,942	\$24,178,630

TO THE POLICE DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$44,757,636	\$1,367,182	\$46,124,818
Materials, Supplies, and Equipment	7,031,496	0	7,031,496
Debt Service	292,776	0	292,776
Programs and Activities	0	0	0
Total	\$52,081,908	\$1,367,182	\$53,449,090

TO THE DEPARTMENT OF PUBLIC WORKS:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$8,451,953	\$0	\$8,451,953
Materials, Supplies, and Equipment	9,973,918	890,234	10,864,152
Debt Service	6,531,137	0	6,531,137
Programs and Activities	0	0	0
Total	\$24,957,008	\$890,234	\$25,847,242

**TO THE DEPARTMENT OF PUBLIC WORKS-
THE BOARD OF EXAMINING ENGINEERS:**

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Materials, Supplies, and Equipment	0	0	0
Total	\$0	\$0	\$0

TO THE DEPARTMENT OF REAL ESTATE AND HOUSING:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$140,273	\$1,155,176	\$1,295,449
Materials, Supplies, and Equipment	400,179	51,250	451,429
Debt Service	844,602	0	844,602
Programs and Activities	0	2,802,010	2,802,010
Pass-Through	0	0	0
Total	\$1,385,054	\$4,008,436	\$5,393,490

TO THE BOARD OF PENSIONS AND RETIREMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Materials, Supplies, and Equipment	0	0	0
Total	\$0	\$0	\$0

The entire sum as shown above is appropriated to the Board of Pensions and Retirement and said Board is authorized and directed to make such payments from the above appropriations as are necessary to meet payment requirements for the civilian pensioned employees of the City of Wilmington, and the Park Police Pension Fund of the City of Wilmington, in accordance with the statutes and ordinances governing these pension systems, and to pay all appropriated amounts not so expended into the City's Pension Reserve Account. The City's Pension Reserve Account shall be devoted exclusively to the payment of pension liabilities of the City and may not be decreased or invaded until such time as it becomes fully funded on an actuarially sound basis. Thereafter, funds in the Pension Reserve Account may be used for the payment of pension liabilities of the City provided such payments do not render the account actuarially unsound. The Board of Pensions and Retirement is authorized to make such investments as it deems appropriate to provide for continued growth and all money appropriated and invested as provided above shall be deemed current expenditures of the City.

SECTION 3. The Director of Finance is authorized upon transfer of any function from one office, department, board, or commission to another office, department, board, or commission to transfer to the successor office, department, board, or

commission those portions that pertain to the function transferred.

SECTION 4. Whenever, pursuant to the provisions of Section 8-401 of the Charter, employees of any office, department, board, or commission are used by another office, department, board, or commission, the compensation of such employees for the period of such use may, at the discretion of the Director of Finance, be charged against the applicable appropriations to the using office, department, board, or commission.

SECTION 5. Appropriations in the sum of \$64,351,009 are hereby made from the Water/Sewer Fund as follows:

TO THE DEPARTMENT OF FINANCE - WATER/SEWER BILLING:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$2,271,629	\$0	\$2,271,629
Materials, Supplies, and Equipment	1,466,432	0	1,466,432
Depreciation	1,150	0	1,150
Total	\$3,739,211	\$0	\$3,739,211

TO THE AUDITING DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Materials, Supplies, and Equipment	\$60,000	\$0	\$60,000
Total	\$60,000	\$0	\$60,000

TO THE DIRECTOR OF FINANCE - SALARY ADJUSTMENT/ATTRITION:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Salary Adjustment	\$0	\$0	\$0
Total	\$0	\$0	\$0

The Director of Finance is authorized to transfer to each office or department such portions of the foregoing sum as will be sufficient to pay for personal services increases authorized by Councilmatic action, and to transfer from each department in which a vacancy occurs funds in an amount equal to the unexpended personal services balance for such unfilled position.

TO THE DEPARTMENT OF PUBLIC WORKS:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$8,100,485	\$0	\$8,100,485
Materials, Supplies, and Equipment	46,146,742	0	46,146,742
Debt Service	6,304,571	0	6,304,571
Total	\$60,551,798	\$0	\$60,551,798

TO THE BOARD OF PENSIONS AND RETIREMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Total	\$0	\$0	\$0

The entire sum as shown above is appropriated to the Board of Pensions and Retirement and said Board is authorized and directed to make such payments from the above appropriations as are necessary to meet payment requirements for the civilian pensioned employees of the City of Wilmington, in accordance with the statutes and ordinances governing these pension systems, and to pay all appropriated amounts not so expended into the City's Pension Reserve Account. The City's Pension Reserve Account shall be devoted exclusively to the payment of pension liabilities of the City and may not be decreased or invaded until such time as it becomes fully funded on an actuarially

sound basis. Thereafter, funds in the Pension Reserve Account may be used for the payment of pension liabilities of the City provided such payments do not render the account actuarially unsound. The Board of Pensions and Retirement is authorized to make such investments as it deems appropriate to provide for continued growth and all money appropriated and invested as provided above shall be deemed current expenditures of the City.

SECTION 6. Appropriations in the sum of \$0 are made from the Commerce Fund as follows:

TO THE DEPARTMENT OF COMMERCE:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Materials, Supplies, and Equipment	0	0	0
Debt Service	0	0	0
Programs and Activities	0	0	0
Total	\$0	\$0	\$0

TO THE MAYOR:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Materials, Supplies, and Equipment	0	0	0
Debt Service	0	0	0
Programs and Activities	0	0	0
Total	\$0	\$0	\$0

TO THE FINANCE DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Materials, Supplies, and Equipment	0	0	0
Debt Service	0	0	0
Programs and Activities	0	0	0
Total	\$0	\$0	\$0

The Director of Finance is authorized to transfer to each office or department such portions of the foregoing sum as will be sufficient to pay for personal services increases authorized by Councilmatic action, and to transfer from each department in which a vacancy occurs funds in an amount equal to the unexpended personal services balance for such unfilled position.

TO THE BOARD OF PENSIONS AND RETIREMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Total	\$0	\$0	\$0

The entire sum as shown above is appropriated to the Board of Pensions and Retirement and said Board is authorized and directed to make such payments from the above appropriations as are necessary to meet payment requirements for the civilian pensioned employees of the City of Wilmington, in accordance with the statutes and ordinances governing these pension systems, and to pay all appropriated amounts not so expended into the City's Pension Reserve Account. The City's Pension Reserve Account shall be devoted exclusively to the payment of pension liabilities of the City and may not

be decreased or invaded until such time as it becomes fully funded on an actuarially sound basis. Thereafter, funds in the Pension Reserve Account may be used for the payment of pension liabilities of the City provided such payments do not render the account actuarially unsound. The Board of Pensions and Retirement is authorized to make such investments as it deems appropriate to provide for continued growth and all money appropriated and invested as provided above shall be deemed current expenditures of the City.

SECTION 7. Appropriations in the sum of \$37,611,024 are made from the Intragovernmental Service Fund as follows:

TO THE MAYOR:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$1,981,723	\$0	\$1,981,723
Materials, Supplies, and Equipment	6,037,272	0	6,037,272
Debt Service	149,361	0	149,361
Total	\$8,168,356	\$0	\$8,168,356

TO THE FINANCE DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Materials, Supplies, and Equipment	0	0	0
Debt Service	0	0	0
Total	\$0	\$0	\$0

TO THE DEPARTMENT OF PUBLIC WORKS:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$0	\$0	\$0
Materials, Supplies, and Equipment	6,910,975	0	6,910,975
Debt Service	280,798	0	280,798
Total	\$7,191,773	\$0	\$7,191,773

TO THE HUMAN RESOURCES DEPARTMENT:

	<u>City</u>	<u>Special</u>	<u>Total</u>
Personal Services	\$657,041	\$0	\$657,041
Materials, Supplies, and Equipment	2,281,854	0	2,281,854
Special Purpose	19,312,000	0	19,312,000
Total	\$22,250,895	\$0	\$22,250,895

**TO THE DIRECTOR OF HUMAN RESOURCES - RISK MNGT./ENVIRONMENTAL
LIABILITY RESERVE ACCOUNT:**

	<u>City</u>	<u>Special</u>	<u>Total</u>
Risk Mgt./Environmental Acct.	\$0	\$0	\$0
Totals	\$0	\$0	\$0

The Director of Finance is authorized to transfer the above amount to the Human Resources Department in its RiskManagement/Environmental Liability Reserve Account as the FY 2013 contribution in conformity with the provisions of Wilm. C. Ch. 2, Section 2-381, as amended. The account shall be maintained in a manner sufficient to permit it to accrue through accumulation of principal and interest and the balance shall be carried forward from one fiscal year to the next. The account shall be accessed and transfers shall be authorized only for purposes of the City meeting an obligation arising out of liability on the part of City government.

The personal services, materials, supplies, and equipment provided for herein shall be allocated among and paid for by the departments receiving intragovernmental services. The Director of Finance is hereby authorized to transfer funds from the accounts of departments using such intragovernmental services and to adjust upwards the appropriations contained herein for intragovernmental services so long as appropriated funds are available to pay for such services. The appropriations made herein shall be wholly payable from the appropriations for materials, supplies, and equipment made to departments receiving intragovernmental services and the limitations of 1 Wilm. Code (Charter) Section 2-300(6) shall not apply.

Appropriations to the Human Resources Department include ongoing funding of the Risk Management Program, pursuant to the provisions of Wilm. C., Ch. 2, Art. VI, Div. 5.

SECTION 8. Appropriations in the sum of \$12,081,816 not subject to the limitations of Wilm. Code(Charter) Section 2-300(6), are included in the appropriations of Sections 2, 5, 6, and 7, under the heading "Special". These appropriations of special

funds are made contingent upon the receipt of funds and shall be utilized in the manner prescribed by the statutes, ordinances, regulations, resolutions, and/or grants from which they derive. In the event new funds are received or funds are received in greater or lesser amounts than appropriated above, spending shall be adjusted upward or downward in accordance with the funds available. In no event shall spending of the special funds herein provided for exceed the amounts actually received or otherwise made available.

SECTION 9. Except as otherwise provided by this ordinance, special funds, heretofore established pursuant to any ordinances, statutes, resolutions, and/or grants shall continue to be utilized in Fiscal Year 2013 for the purpose and in the manner prescribed by such ordinances, statutes, resolutions, and/or grants to the extent that they are consistent with the provisions of the Wilmington Home Rule Charter.

When, under the Charter, an appropriation is a prerequisite to the payment of money from such special funds, this section shall be construed as an appropriation of the full proceeds of such funds for the purposes heretofore authorized by such ordinances, statutes, resolutions and/or grants.

SECTION 10. The amounts herein appropriated for materials, supplies, and equipment shall be deemed to be available for encumbrance upon the effective date of this ordinance, to the extent necessary to facilitate the operations of the various offices, departments, boards, and commissions for Fiscal Year 2013, provided that no services shall be rendered prior to July 1, 2012, and no materials, supplies, and equipment acquired shall be used in Fiscal Year 2012, except to the extent required to prepare for Fiscal Year 2013 operations.

SECTION 11. A. Position Allocation Attachment “A” hereto sets forth the positions authorized to be filled between July 1, 2012 and June 30, 2013. Pursuant to Section 40-36 of the City Code, any previously existing classifications and allocation of classifications are hereby abolished. Hereinafter, no additional positions shall be created or allocated without review by the Administrative Board and approval by ordinance of the City Council, except that nothing in this ordinance shall preclude the hiring and payment of employees filling positions where monies other than those appropriated by this ordinance are available.

B. Executive and Managerial Salary Program and Salary Structure Matrix. Attachment “B” hereto sets forth the positions that are in the executive and management salary program and the salary structure matrix for Fiscal Year 2013, pursuant to the provisions of Section 40-221 of the City Code, as amended by Substitute No. 1 to Ordinance No. 04-010.

C. Non-Union Employee Salaries Attachment “C” hereto sets forth the Non-Union Salaries and the Grades and Steps for the same for Fiscal Year 2013.

SECTION 12. All unencumbered balances on hand as of July 1, 2013, held by any office, department, board, or commission named in Section 2, Section 5, Section 6, and Section 7 of this ordinance shall revert to the City of Wilmington Current Account.

SECTION 13. Use of Fund Balance The use of up to \$2.75 million from the General Fund Unassigned Balance to balance the General Fund Operating Budget for FY 2013 is hereby authorized.

SECTION 14. Effective Date. This Ordinance shall be deemed effective as of its date of passage by City Council and approval by the Mayor.

First Reading..... March 15, 2012
Second Reading..... March 15, 2012
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this
_____ day of
_____, 2012

City Solicitor

Approved this _____ day of
_____, 2012

Mayor

SYNOPSIS: This Ordinance adopts the Operating budget for Fiscal Year 2013.